

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

RECEIVED SACRAMENTO
BOARD OF MEDICAL
QUALITY ASSURANCE

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In the Matter of the Petition
for Restoration of Revoked
Certificate of:

MARVIN LEE STERN, M.D.
3051 Burney Place
Los Alamitos, CA 90720

Petitioner.

L-21934

DECISION

This matter came on regularly for hearing at Irvine, California, on July 18, 1980 before a quorum of a panel of the Medical Quality Review Committee, District #13, of the Division of Medical Quality.

The panel consisted of Ronald Tepper, M.D.; Ronald Cohen, M.D.; Donald Ogilvie, D.C.; Ms. Ina Bliss, public member; and Lloyd Carnahan, M.D., Chairperson. Ronald M. Gruen, an Administrative Law Judge of the Office of Administrative Hearings presided.

Alvin J. Korobkin, Deputy Attorney General appeared and represented the Attorney General.

Petitioner appeared in person and was represented by Edward P. George, Jr., and Henry Lewin, attorneys at law.

Evidence having been introduced and the matter submitted, the panel finds the following facts:

I

Effective July 28, 1978, the certificate issued to petitioner to practice as a physician and surgeon was revoked. Said revocation was imposed by reason of numerous violations of the Controlled Substances Act for excessive prescribing and furnishing without a good faith prior examination or medical indication therefor.

II

On or about April 22, 1980, petitioner applied for

restoration of his revoked physician and surgeon certificate.
Said petition is presently pending.

III

Respondent has failed to demonstrate that he is emotionally fit to resume the practice of medicine. He has failed to establish that he is rehabilitated in that the panel is not satisfied that respondent recognizes the crux of his personal and professional problems which led to the revocation of his license. Restoration of respondent's certificate would not be compatible with the public welfare and safety.

DETERMINATION OF ISSUES

Pursuant to the provisions of Section 2376.5 of the Business and Professional Code and Section 11522 of the Government Code it is hereby determined that the petition for the reinstatement of the revoked certificate should be denied.


ORDER

The application of petitioner Marvin Lee Stern, M.D., for the restoration of his revoked certificate is hereby denied.

This decision shall become effective on the 10th
day of October, 1980.

IT IS SO ORDERED this 10th day of September,
1980.

By


LLOYD CARNAHAN, M.D.
Chairperson
Medical Quality Review Panel
District #13